



Senate Natural Resources Committee, Senators:

Gebhardt, Kelly (Ch)

Barrett, Debby (V Ch)

Curtiss, Aubyn

Hansen, Ken

Kaufmann, Christine

Keane, Jim

Perry, Gary

Peterson, Jim

Steinbeisser, Donald

Tropila, Mitch

Wanzenried, David

cc: Sonja Nowakowski, Staff

March 6, 2009

Dear Mr. Chairman and Members of the Committee:

Thank you for the opportunity to provide written testimony on HB 39, 40 and HB 41. The Clark Fork Coalition works to protect and restore the Clark Fork River watershed. We participated in the Water Policy Interim Committee meetings and discussions over the past couple of years. The Coalition applauds the WPIC's efforts—such as these bills before you today—and this Committee's complementary efforts to address the issues facing our Montana's treasured ground and surface water.

The Clark Fork Coalition supports HB 39, as it will allow more avenues for the state and counties to better enforce water use and protect water rights in Montana. This bill will direct more state attention to enforcing water rights by enabling the district court to appoint water masters. It will also enable the attorney general to assist county attorneys and the DNRC with water right enforcement/compliance. This will aid county staff who are often over-extended and ill-equipped to deal with the complex intricacies of water right disputes.

The Clark Fork Coalition supports HB 40 because we hope it will allow a more efficient and effective permitting process for new and existing water rights, with clear timelines. The "preliminary determination" will provide a more transparent process between water right holders, potential objectors, and the DNRC during new permit and change of use applications, potentially avoiding lengthy and expensive hearings later in the permitting process.

The Clark Fork Coalition supports HB 41 since it will ensure our water quality is protected along with water quantity in "closed" basins. Many areas in the Clark Fork watershed are closed basins where new water users must mitigate any additional water withdrawal. This bill requires that any mitigation plans must also obtain water quality permits from the Dept. of Environmental Quality for any discharge of water before the DNRC issues a new water right.

Thank you for your time. Please feel free to contact us with any questions or concerns.

Sincerely,

Brianna Randall
Water Policy Director

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